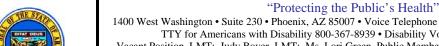
Arizona State Board of Massage Therapy



1400 West Washington • Suite 230 • Phoenix, AZ 85007 • Voice Telephone 602-542-8242 • FAX 602-542-3093 TTY for Americans with Disability 800-367-8939 • Disability Voice Relay 800-842-4681 Vacant Position, LMT; Judy Boyer, LMT; Ms. Lori Green, Public Member; Daniel Pozefsky, Public Member Dennis Beye, LMT, Craig Runbeck, NMD, Executive Director

Minutes BOARD MEETING

March 27, 2006, 10:00 a.m.

1. Call to Order by Presiding Officer

State of Arizona

Janet Napolitano - Governor

Ms. Boyer, Chair called the meeting to order at 10:02 am.

Α. Roll call of Board members was done to establish a quorum to conduct the meeting.

1400 West Washington St. B1 Phoenix, AZ 85007

Board Members present Judy Boyer, Chair

Lori Green, Secretary Treasure

Dennis Beye

Board Member absent: Daniel Pozefsky, Vice Chair

B. Acknowledgement of presence of Board staff and legal counsel.

> **Terrie Sanders** Assistant Attorney General:

Assistant Attorney General: Victoria Mangiapane, Solicitor General

Board Staff: Dr. Craig Runbeck, Executive Director

Robert Wilson, Deputy Director Dee Doyle, Licensing Administrator

2. Call to the Public

Ms. Boyer gave a call to the public at 10:02 am No public was present to address the board.

- 3. Discussion, Consideration and Possible Action of Consent Agenda (Any item under consent may be removed for independent discussion and action by a Board Member.)
 - Α. Approval of Minutes: February 27, 2006
 - B. Approval of Teleconference Minutes: March 1, 2006
 - Approval of Massage Therapy Application for March (105) B.

MOTION: Ms. Green moved to approve the consent agenda A, B and C as listed, Mr. Beye seconded the

motion.

VOTE: The motion passed unanimously 3-0

- 4. Discussion, Consideration and Possible Action of Regulatory Matters
 - Α. Discussion and Consideration of Recommended Order received from the Office of Administrative Hearing (time specific: 10:00 a.m.)

(1) Jean Saint Louis

The Board heard this case at 10:10 am. Ms. Sanders Assistant Attorney General for the state summarized this case for the Board. Ms. Sanders asked that the board adopt the Finding of Facts and Conclusion of Law, but modify the Order as follows. "Mr. Jean Saint Louis license be suspended for a period of nine (9) months, after expiration of the suspension period, his license be placed on probation for a period of two years; that Mr. Saint Louis shall submit \$50.00 to the Board as restitution payment for Ms. Kang within 14 days of the effective date of the Order entered in this matter; and that Mr. Saint Louis shall take an ethics continuing education class for massage therapists within six months from the effective date of the Order. The class selected by Mr. Saint Louis shall be pre-approved by the Board and he shall be responsible for all costs associated with the class."

Ms. Sonia Kang the complainant was present to address the Board.

Mr. Jean Saint Louis was present he was not represented by his attorney Shab Amiri, Esq.; he addressed the Board on his own behalf.

MOTION: Ms. Green moved to go into Executive Session to obtain legal advice, Mr. Beye seconded the

The Board convened Executive Session at 10:25 am. The Board returned to Regular Session at 10:38 am.

Discussion was made by the Board regarding the recommended time for suspension.

MOTION: Ms. Green moved to accept the Finding of Facts as written by the Administrative Law Judge on

Mr. Saint Louis. Mr. Beye seconded the motion

VOTE: The motion passed 3-0-1 one absent

MOTION: Mr. Beye moved to accept the Conclusion of Law as given by the Administrative Law Judge. Ms.

Green seconded the motion.

VOTE: The motion passed 3-0-1 one absent

MOTION: Ms. Green moved to modify the Administrative Law Judges Order as follows, to suspend Mr.

Saint Louis license for a period of nine (9) months expiration of the suspension period his license be placed on probation for a period of two years; that Mr. Saint Louis shall submit \$50.00 to the Board as restitution payments for Ms. Kang within 14 days of the effective date of the Order entered in this matter; and that Mr. Saint Louis shall take an ethics continuing education class for massage therapists within six months from the effective date of the Order. The class selected by Mr. Saint Louis shall be pre-approved by the Board and he shall be responsible for all costs

associated with the class. Ms. Boyer seconded the motion.

VOTE: The roll call vote with Ms. Green, yes, Ms. Boyer yes and Mr. Beye no and Mr. Pozefsky absent.

The motion passed 2-1-1 one absent

The Board to a short recess at 10:55 am

The Board returned to regular session at 11:00 am.

B. Darla Horne, Board Review

Ms. Horn was not present at this board meeting her attorney asked for a continuance till the April board meeting. This matter was TABLED until the April board meeting.

5. Discussion and Consideration and Possible Action on Administrative Matters

A. Massage license status report

Dr. Runbeck updated the board on the license status to date.

Active licensee's 7,283 Suspended 1 Closed expired/withdrawn 50 Revoked 1 Denied 17 Pending 207

Voluntarily Surrendered 1 Total application received 7,559

- B. Federation of State Medical Boards presentation to the Board
- C. National Certification Board for Therapeutic Massage and Bodywork presentation to the Board.

Dr. Runbeck informed the Board that a representative from the National Certification Board for Therapeutic Massage and Bodywork and The Federation of State Massage Therapy Boards will be present via phone or in person at the April 24, 2006 board meeting.

D. Discussion regarding investigation procedure/Cease and Desist/working without the required state license.

Dr. Runbeck addressed the board regarding persons practicing massage therapy without a license. Consistent with ARS 32-4255, if the staff receives a complaint about an unlicensed person, we will send a cease and desist order. When the Board staff can establish a violation of the law we will issue a complaint and notice of hearing. The Board will then hold a hearing to determine if a violation has occurred. The Board could issue a fine, and/or refer the case to law enforcement for prosecution.

ADJOURNMENT		
The meeting was adjourned at 11:30 am.		
Arizona Board of Massage Therapy	Date	